

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 05-15915

ILIOULAOKALANI COALITION, ET
AL.

Plaintiffs-Appellants.

v.

U. S. DEPARTMENT OF DEFENSE and
U.S. DEPARTMENT OF THE ARMY

Defendants-Appellees.

DECLARATION OF
James J. Lovelace

On Appeal From the United States District Court for the District of Hawaii
(Civil No. 04-00502 DAE/BMK)

I, Lieutenant General James J. Lovelace hereby declare that:

1. I am currently the Deputy Chief of Staff, G-3/5/7 (Operations and Plans), United States Army. I am responsible to ensure the Army is organized, trained, equipped and ready to conduct prompt and sustained military operations in the field during time of war. The Army's statutory mission is to preserve the peace and security of the United States, support national policies, implement national objectives, and overcome any nations responsible for aggressive acts that imperil peace. It is my professional judgment, based on 36 years of operational military experience, that delaying the transformation of the 2nd Brigade, 25th Infantry Division (hereafter "2nd Brigade") to the 5th Stryker Brigade Combat Team (hereafter "SBCT 5") would immediately disrupt the Army's statutory

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authority to conduct a Long War on Terror, degrade the ability of commanders to conduct military operations in the field during wartime, and reduce the Army's capability to deter conflict and respond to crisis situations in the Pacific region, including the Republic of Korea.

2. Before my current assignment, I served as the Director of the Army Staff and the Commander of the United States Army Alaska. I completed a master's degree in physical education from Indiana University, a master's degree in management from Salve Regina College, and a master's degree in national security from the U.S. Naval War College.

3. The Nation is at war. The Army is fully engaged fighting the Long War on Terror and meeting our global commitments. Currently, over 249,000 American soldiers are deployed in 120 countries conducting continuous operations in support of national strategic objectives. Demonstrating the magnitude of this national commitment, active component brigade combat teams deploy to conduct combat operations in Iraq and Afghanistan at a rate of one year deployed for one year training at home station. This accelerated pace of deployment is one full year faster than the Army's policy goal of one year deployed for two years training at home station. All of the Army's operational brigades are deployed conducting combat operations, are preparing for their next deployment as rapidly as possible, or are forward positioned to deter conflict in critical regions. Some brigades are now on their third, year-long combat tour. With only 42 brigades in the active component, there are no idle brigades in the active Army. The transformation, readiness and availability of every single active Army brigade during wartime is a matter of vital national importance personally reviewed by the Secretary of


Central Command, United States European Command and United States Pacific Command have submitted formal requirements for SBCT capability in their areas of responsibility. The Army is obligated to respond to these requests by providing the SBCTs required to meet the commander's needs.

7. To meet its statutory responsibilities, the Army requires 2nd Brigade to complete transformation to SBCT 5 by November 2007 and be available to deploy to conduct combat or contingency operations. SBCT 5 will deploy to Iraq. The Army needs the unique capabilities of the 5th SBCT as soon as possible. Non-SBCT units are not acceptable substitutes and there are not enough SBCTs available for the specific combat and contingency requirements of the Army. There is not a suitable alternative location to complete the transformation of 2nd Brigade on schedule. Moving 2nd Brigade to complete transformation to SBCT 5 at another location will delay its availability to conduct operations. Any delay of 2nd Brigade's transformation to SBCT 5 will result in immediate and significant adverse impacts on the Army's ability to exercise its statutory authority and provide ready forces to meet the requirements of military commanders in the field.

8. First, delaying 2nd Brigade transformation to SBCT 5 would reduce the Army's posture to deter war and meet the wide range strategic commitments in the Pacific area of responsibility. Admiral William J. Fallon, the combatant commander of the United States Pacific Command, requires 2nd Brigade to transform in Hawaii on time to meet mission requirements assigned by the Secretary of Defense. The recent North Korean nuclear test and increasingly bellicose threats punctuate the strategic requirement to have flexible and highly deployable units like SBCT 5 available in the Pacific region. The

14. Rapid fielding of SBCT 5 in Hawaii is critical to meet the requirements of commanders prosecuting the war in Iraq and those commanders responsible to deter war and respond to contingencies in the Pacific region. Delay of 2nd Brigade's transformation will deprive commanders of the forces they desperately need and frustrate the Army's ability to meet its statutory responsibility during wartime. The only way to ensure that SBCT 5 is fielded on time is to complete the transformation of 2nd Brigade in Hawaii.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



LIEUTENANT GENERAL JAMES J. LOVELACE

23 OCT 2006

Date